

SECTION 7 (1) OF THIS ARTICLE PRIOR TO FINAL DETERMINATION OF A CLAIM SHALL NOT BE CHARGED TO EMPLOYER EXPERIENCE-RATING RECORDS UNTIL SUCH FINAL DETERMINATION HAS BEEN RENDERED AND THEREAFTER SHALL BE CHARGED AS PROVIDED IN THIS SECTION OR RECOVERED AS PROVIDED IN SECTION 17(D) OF THIS ARTICLE IN ACCORDANCE WITH THE FINAL DETERMINATION OF THE CLAIM.]]

BENEFITS PAID TO A CLAIMANT UNDER A DETERMINATION OR DECISION MADE PURSUANT TO THIS ARTICLE SHALL NOT BE CHARGED AGAINST ANY EMPLOYER'S EXPERIENCE RATING ACCOUNT IF AS A RESULT OF REVERSAL OR REDETERMINATION A DISQUALIFICATION IS IMPOSED FOR A WEEK OR WEEKS FOR WHICH SAID PAYMENTS WERE MADE.

(3) (i) If an employer's experience-rating record has been chargeable with benefits throughout the 36-consecutive-calendar-month period ending on the computation date (as defined in paragraph (9) of this subsection), and each of his annual payrolls, as defined herein, during the three calendar years immediately preceding the computation date for that fiscal year equals or exceeds \$200.00, the employer shall be assigned an earned rate based upon his experience as provided herein; except that any employer who has not been subject to the provisions of this article for a period of time sufficient to meet the 36-consecutive-calendar-month requirement shall for each fiscal year have his rate computed on the basis of his experience provided his account has been chargeable with benefits throughout at least the 12-consecutive-calendar-month period ending on the computation date, and provided further that each of his annual payrolls, as defined herein, during the two calendar years immediately preceding the computation date for that fiscal year equalled or exceeded \$200.00. Provided, that if an employer has met all the other requirements of the law to qualify for an experience rate, but does not have the required annual payrolls because he failed to pay contributions due and payable, on or before the computation date, his contribution rate for the following fiscal year shall be his earned rate or the standard rate, whichever is the greater, provided further that if an employer has failed to file reports due and/or has failed to pay all contributions due and payable, as required by the provisions of this article and the regulations adopted thereunder, as of the beginning of any fiscal year, his contribution rate shall be 4.2 percent beginning with the first day of that fiscal year and thereafter until the first day of the calendar quarter following the date on which he has filed all reports due and has paid all contributions due, as required by this article and the regulations promulgated pursuant thereto, at which time he shall be granted his earned contribution rate.